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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAVID ERNESTO MACKEY,

12 Plaintiff,

13 v.

14 GOVERNMENT CLAIMS PROGRAM, *et*
15 *al.*,

16 Defendants.
17

No. 1:20-cv-01813-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION

(Doc. No. 9)

18 Plaintiff David Ernesto Mackey is a civil detainee proceeding *pro se* and *in forma*
19 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is being detained
20 pursuant to California’s Mentally Disordered Offender (“MDO”) law, California Penal Code
21 §§ 2970, *et seq.* Individuals detained under the MDO law are considered civil detainees and are
22 not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d
23 1136, 1140 (9th Cir. 2000).

24 On April 15, 2021, the assigned magistrate judge screened plaintiff’s first amended
25 complaint and issued findings and recommendations recommending that this action be dismissed
26 based on plaintiff’s failure to state a cognizable claim upon which relief may be granted. (Doc.
27 No. 9.) On April 26, 2021, plaintiff timely filed objections to the findings and recommendations.
28 (Doc. No. 10.)

1 Plaintiff's objections to the magistrate judge's findings and recommendations merely
2 reiterate the conclusory allegations from the first amended complaint and do not provide any
3 basis for rejecting the reasoning of the pending findings and recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
6 objections, the court finds the findings and recommendations to be supported by the record and
7 by proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on April 15, 2021, (Doc. No. 9), are
10 adopted in full;
- 11 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a cognizable
12 claim upon which relief may be granted; and
- 13 3. The Clerk of the Court is directed to close this case.

14 IT IS SO ORDERED.

15 Dated: May 19, 2021

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UNITED STATES DISTRICT JUDGE